

IN THE DRAWINGS:

In Fig. 2 the same reference number (222) is assigned to both the "update module" and the "interactive options" module. In order to correct this, a replacement sheet for Fig. 2 is attached on page 19 which changes the reference number for the "interactive options" module from 222 to 223.

REMARKS

This amendment and related remarks that follow are intended to place the subject application in condition for allowance. Amendments to the specification are presented on page 3 – specifically, two paragraphs are amended: first, in the paragraph starting on page 14, line 4 and ending on page 14, line 19 a reference to the “control module” in Fig. 2 is corrected and the numerical reference to the “interactive options” module in Fig. 2 is added; second, in the paragraph starting on page 29, line 8 and ending on page 29, line 16 the wording is clarified in order to better refer to Fig. 5. Neither of these changes to the specification adds new matter. Amendments to the claims are presented starting on page 4 – specifically, claims 1, 11, 12, 25 and 32 are amended to clarify and better claim the Applicants' invention. An amendment to the drawings (specifically Fig. 2) is presented on page 10 and the corresponding replacement sheet is attached. In view of these amendments and the following reasoning for allowance, the Applicants hereby respectfully request further examination and reconsideration of the subject application.

A. Rejection of Claims 1-32 Under 35 USC §112, First Paragraph

The aforementioned Office Action of July 27, 2005 rejected claims 1-32 under 35 USC §112, first paragraph, stating:

“The specification does not disclose “preventing the user from encountering sub-item or dependency conflicts by automatically correcting any conflicts”. The spec. discloses conflicts only once, at p. 14 lines 15-19, where it is disclosed that the control module dynamically prevents data value conflicts. Nowhere is it disclosed how said conflicts are prevented.”

The Applicants hereby respectfully disagree with this contention since the specification provides the following disclosures related to sub-item or dependency data values and how the control module dynamically operates to prevent the user from encountering said data value conflicts by automatically correcting them:

1. In the discussion of Fig. 4 the specification states that: “A transmit module 419 transmits the data, sub-items, rules of enforcement of sub-item

combinations and control modules ... for each set of data ... to respective clients ... Each control module ... displays the respective data results for each respective client ..." (refer to page 16, line 16 – page 17, line 1)

2. In the discussion of the Working Example the specification states that:

a. "For new queries, final results, associated sub-items or dependencies and logical rules of enforcement of sub-item combinations can be transmitted to the client user ... For subsequent queries, updated final results, associated updated sub-items or updated dependencies and updated logical rules of enforcement are transmitted." (refer to page 25, lines 2-7)

b. "For certain results, the user is prevented from creating sub-item or dependency conflicts. The transmitted rules of enforcement contain all potential configurable conflicts between sub-items and utilize a logic processor. The logic processor uses logic principles to prevent the user from creating sub-item combination conflicts and to resolve any potential conflicts during user adjustment of the sub-items. An example of this is if a user enters incorrect car mileage information, such as alpha-characters instead of numerical characters." (refer to page 29, lines 8-16)

3. On page 19, lines 6-13 the specification incorporates by reference co-pending U.S. Application Serial No. 09/157,018, filed on September 18, 1998 and entitled "A SYSTEM AND METHOD FOR DYNAMICALLY ADJUSTING DATA VALUES AND ENFORCING VALID COMBINATIONS OF THE DATA IN RESPONSE TO REMOTE USER INPUT." Said application has since been issued as U.S. Patent No. 6,803,926. Said patent specification discloses additional examples of data value conflicts and how they are prevented. For example, in the discussion of the Working Example said patent specification states that:

a. "a control module 224, which can be sent from the server to the client or created dynamically on the client 212, can be located on the client 212 during user interaction with the data values. The control module 224 controls the transmitted results and processes the user input for providing dynamic adjustment of the data values and real time user interactivity." (refer to column 5, lines 59-65)

b. "the client user is provided with real time interactivity of the results and associated sub-items ... while preventing the user from creating sub-item or dependency conflicts (box 518). The transmitted rules of enforcement of sub-item combinations contain all potential configurable conflicts between sub-items to thereby prevent the user from creating any sub-item conflicts during adjustment of the sub-items." (refer to column 8, lines 28-36)

c. "As the client user adjusts the interface tools 920, 930, 940, the

effect on the overall results of different sub-item configurations and combinations are calculated on the client while the transmitted rules of enforcement prevent sub-item conflicts, as shown in FIG. 10. For example, as mileage is placed in the input box 1020 or as certain sub-items (car options) are selected, the price of the dynamic output box 1050 is calculated, changed and displayed in real time while the rules of enforcement prevent the user from configuring predefined conflicting options. Alternatively, a control module can calculate, change and display information in the dynamic output box 1050 in real time in response to the adjustments." (refer to column 8, lines 47-60)

d. "With regard to conflicting sub-items, radio buttons 940, 1040 can be used for mutually exclusive sub-items, such as condition 965, 1065 of the car. Also, the results can be dynamically configured. Specifically, if a particular sub-item 970, 1070 requires another sub-item 980, 1080 as a prerequisite, the prerequisite sub-item 980, 1080 will automatically be selected when the client user selects the particular sub-item 970, 1070. As a result, all conflicts are resolved dynamically by not offering sub-items that are not related to the requested data and by automatically selecting other sub-items as a particular conflicting sub-item is selected by a client user, for example, by automatically placing a check in conflicting check boxes." (refer to column 9, lines 12-25)

Based on the example disclosures cited in Items 1-3 above, the Applicants believe that the specification does indeed disclose the claim language of "preventing the user from encountering sub-item or dependency conflicts by automatically correcting any conflicts," including describing how said conflicts are prevented.

In order to deem the Applicants' claims unpatentable under 35 USC §112, first paragraph, it must be shown that the specification fails to comply with the enablement requirement. In other words, it must be shown that the specification does not disclose the invention in sufficient detail as to enable any person skilled in the art to which it pertains to make and use the invention. Based on the arguments presented above, the Applicants believe that the specification does sufficiently disclose the claim language of "preventing the user from encountering sub-item or dependency conflicts by automatically correcting any conflicts," including describing how said conflicts are prevented, as to enable someone skilled in the art to make use of it. Therefore, the Applicants believe that the specification complies with the enablement requirement of 35 USC §112, first paragraph. As such, it is respectfully requested that claims 1-32 be

reconsidered as they are supported in the specification.

B. Rejection of Claims 1-32 Under 35 USC §112, Second Paragraph

The aforementioned Office Action of July 27, 2005 further rejected claims 1-32 under 35 USC §112, second paragraph, stating:

"sub-item or dependency conflicts" is indefinite. The spec. discloses conflicts only once, as "data value conflicts", at p. 14 lines 18-19. Neither there nor elsewhere in the spec. is it disclosed what about the data values or sub-items or dependencies is in conflict."

The Applicants hereby respectfully disagree with this contention. **Based on the example disclosures cited in section A, items 2b, 3c and 3d above, the Applicants believe that the specification does indeed disclose examples of data values, sub-items and dependencies that can be in conflict. Hence, there is no indefiniteness regarding sub-item or dependency conflicts.**

It is believed that the claims fulfill the requirements of 35 USC §112, second paragraph, as they do particularly point out and distinctly claim the subject matter that the Applicants regard as their invention, and the specification does sufficiently disclose each of the claims. Therefore, it is respectfully requested that the rejection of claims 1-32 under 35 USC §112, second paragraph, be reconsidered.

C. Rejection of Claims 1-9, 12-22, 25-28, 30 and 32 Under 35 USC §103(a)

The aforementioned Office Action of July 27, 2005 rejected claims 1-9, 12-22, 25-28, 30 and 32 under 35 USC §103(a) as being obvious over Bull et al., U.S. Patent No. 5,901,287 (hereinafter Bull), in view of Gifford, U.S. Patent No. 4,845,658. More particularly, it was stated that Bull teaches all the elements of claims 1-9, 12-22, 25-28, 30 and 32 with the exception of "adjusting the results dynamically on the client," which is taught by Gifford. It was further stated that it would have been obvious to incorporate the Gifford teachings into Bull to produce the Applicants' claimed invention. The Applicants respectfully disagree with this contention of obviousness for the following

reasons.

The third element of Applicants' currently amended claim 1 recites:

"tracking at least a portion of the data and performing estimation calculations using client-side processing to generate results and updated personalized information;"

The fifth element of Applicants' currently amended claim 1 further recites:

"preventing the user from encountering sub-item or dependency conflicts by using client-side processing to automatically correct any conflicts to prevent the conflicts from being displayed during the user's interaction with the results, wherein a set of rules of enforcement is transmitted to said client and used as the basis for said processing, wherein said rules contain all potential configurable conflicts between sub-items that may occur during the user's interaction and corresponding safeguards to prevent the user from encountering and viewing a conflict during the user's interaction with the results;"

While Bull does teach methods to prevent the user from encountering advertising results that are not pertinent to the user, said **methods taught by Bull are distinctly different and are based on a different network computing model and data processing architecture than those taught by the Applicants**. The system taught by Bull (refer to Fig. 1) consists of a User Access System (100) – also known in the art as a client, which connects through the network to **the Travel Genie System (200)**, which **serves as the gateway to other network connected system components** such as Local Datastores (500), the Travel Genie Booking System (1000), Advertiser's Computer Systems (400) and other Network Accessible Datastores (300). In column 3, lines 57-62 Bull teaches:

"A gateway is provided into the WWW" (i.e. into the different network connected system components reference above) "for shopping while retaining the user passing through the information aggregation and synthesization system. A gateway is provided to poll, access and retrieve information from various locations. A filtering process is provided and the resulting information is returned to the requested party."

Therefore, Bull teaches that the filtering process, used to prevent the user

from encountering advertising results that are not pertinent to said user, takes place on the gateway computer, not on the client-side computer. This is further reinforced by Bull in the detailed description of the embodiments starting in column 6, line 15 and the supporting Figs. 2-9 which teach that all of the filtering processes to correct conflicts (e.g., various Text Agents, Ad/Coupon Insertion Agents, Unmet Need Agents, Lead Generation Agents, etc.) reside and take place within the gateway Travel Genie System (200) using datastores that are either resident on said System (200) or connected to other parts of the network. Once the filtering process is completed, the results are sent to the User Access System (100) for display to the user.

The Applicants claim a system that is different from Bull wherein a set of rules of enforcement is transmitted to the client, said rules containing all potential configurable conflicts between sub-items that may occur during the user's interaction, and corresponding safeguards to prevent the user from encountering and viewing a sub-item or dependency conflict. Client-side processing (*not* gateway processing) is then used to generate the results, said processing automatically correcting any conflicts hence preventing them from being displayed during the user's interaction with the results. Based on a user's subsequent interaction with the results, they are adjusted dynamically on the client, again using client-side processing, *not* gateway processing.

In regard to Gifford, this reference teaches an information system featuring:

"storing information at a central data base site, transmitting data from the stored information over a broadcast simplex communications system, ... receiving the broadcast data at a remote, local-receiver terminal ... storing at the remote terminal a selected subset of the received broadcast data, searching the locally stored data in response to a user inquiry for displaying the locally stored data ... and, if necessary, automatically communicating the user inquiry over a duplex communications channel to the central data base site when the local receiver terminal cannot adequately respond to the user inquiry," (refer to column 2, rows 9-21) "controlling the flow rate of data from the central data base site in response to a user initiated, local terminal inquiry." (refer to column 2, rows 43-45)

Gifford also teaches that:

"the personal database system at the local terminal performs two concurrent tasks. It processes user requests and applies data base updates received over the digital broadcast channel to the local data base ... the system is designed so that a user's most frequent requests can be answered from the local terminal. To this end, a user compiles a list of routine queries into what is known as the filter list ... queries in the filter list are disjunctively combined (OR'ed) to create a predicate called FL (filter list) that describes the information that will be retained at the user's local terminal. ... The local data base that results is precisely the set of records necessary to process any query in the filter list predicate." (refer to column 10, rows 35-51)

Gifford does not teach the Applicants' claimed methods of:

4. "preventing the user from encountering sub-item or dependency conflicts by using client-side processing to automatically correct any conflicts to prevent the conflicts from being displayed during the user's interaction with the results, wherein a set of rules of enforcement is transmitted to said client and used as the basis for said processing, wherein said rules contain all potential configurable conflicts between sub-items that may occur during the user's interaction and corresponding safeguards to prevent the user from encountering and viewing a conflict during the user's interaction with the results."

In order to deem the Applicants' claims unpatentable under 35 USC §103(a), a prima facie case showing obviousness must be made. To make a prima facie case showing obviousness, *all* of the elements of the recited claims must be considered, especially when they are missing from the prior art. If a claimed element is *not* taught in the prior art and has advantages not appreciated by the prior art, then no prima facie case of obviousness exists. The Federal Circuit court has stated that it was an error not to distinguish claims over a combination of prior art references where a material limitation in the claimed system and its purpose was not taught therein (*In Re Fine*, 837 F.2d 107, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Based on the arguments presented above, neither Bull nor Gifford teach the Applicants' claimed methods of transmitting a set of rules of enforcement to the client and performing processing in the client based on said rules to prevent sub-item or dependency conflicts by automatically correcting any conflicts and

preventing the conflicts from being displayed to the user during their interaction with the results. Accordingly, no prima facie case of obviousness has been established in accordance with the holding of *In Re Fine*. This lack of prima facie showing of obviousness means that rejected claims 1-9, 12-22, 25-28, 30 and 32 are patentable under 35 USC 103(a) over Bull in view of Gifford. Accordingly, it is respectfully requested that these claims be reconsidered based on the non-obvious claim language as exemplified in claim 1:

“tracking at least a portion of the data and performing estimation calculations using client-side processing to generate results and updated personalized information;

adjusting the results dynamically on the client by a user's interaction with the results;

preventing the user from encountering sub-item or dependency conflicts by using client-side processing to automatically correct any conflicts to prevent the conflicts from being displayed during the user's interaction with the results, wherein a set of rules of enforcement is transmitted to said client and used as the basis for said processing, wherein said rules contain all potential configurable conflicts between sub-items that may occur during the user's interaction and corresponding safeguards to prevent the user from encountering and viewing a conflict during the user's interaction with the results;”

D. Rejection of Claims 10, 11, 23, 24 and 29 Under USC §103(a)

The aforementioned Office Action of July 27, 2005 further rejected dependent claims 10, 11, 23, 24 and 29 under 35 USC §103(a) as being obvious over Bull in view of Gifford, and in further view of Wong, U.S. Patent No. 5,432,904. It was stated that although neither Bull nor Gifford teaches calculating projected automobile repair costs, Wong teaches this, and that it would have been obvious to incorporate the Wong teachings with those of Bull and Gifford to produce the Applicants' claimed invention. The Applicants respectfully disagree with this contention of obviousness.

More particularly, neither Bull, Gifford nor Wong teach the Applicants' claimed methods of transmitting a set of rules of enforcement to the client and performing processing in the client based on said rules to prevent sub-item or dependency conflicts by automatically correcting any conflicts and preventing

the conflicts from being displayed to the user during their interaction with the results. Accordingly, no prima facie case of obviousness has been established in accordance with the holding of *In Re Fine*. This lack of prima facie showing of obviousness means that rejected claims 10, 11, 23, 24 and 29 are patentable under 35 USC 103(a) over Bull in view of Gifford, and in view of Wong. Accordingly, it is respectfully requested that these claims be reconsidered based on the non-obvious claim language as exemplified in claim 1, recited in section C above.

E. Rejection of Claim 31 Under USC §103(a)

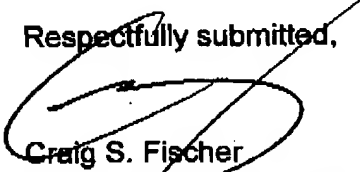
The aforementioned Office Action of July 27, 2005 further rejected dependent claim 31 under 35 USC §103(a) as being obvious over Bull in view of Gifford, and in further view of Chapin, Jr., U.S. Patent No. 5,931,878 (hereinafter, Chapin). More particularly, it was stated that although neither Bull nor Gifford teaches using automobile mileage to estimate maintenance schedules, Chapin teaches this, and that it would have been obvious to incorporate the Chapin teachings with those of Bull and Gifford to produce the Applicants' claimed invention. The Applicants respectfully disagree with this contention of obviousness.

More particularly, **neither Bull, Gifford nor Chapin teach the Applicants' claimed methods of transmitting a set of rules of enforcement to the client and performing processing in the client based on said rules to prevent sub-item or dependency conflicts by automatically correcting any conflicts and preventing the conflicts from being displayed to the user during their interaction with the results.** Accordingly, no prima facie case of obviousness has been established in accordance with the holding of *In Re Fine*. This lack of prima facie showing of obviousness means that rejected claim 31 is patentable under 35 USC 103(a) over Bull in view of Gifford, and in view of Chapin. Accordingly, it is respectfully requested that this claim be reconsidered based on the non-obvious claim language as exemplified in claim 1, recited in section C above.

Summary

In summary, the Applicants believe that the amendments and responses presented herein place the subject application in condition for allowance. Accordingly, reconsideration of the rejection of claims 1-32 is respectfully requested and allowance of these claims at an early date is courteously solicited.

Respectfully submitted,



Craig S. Fischer
Registration No. 42,535
Attorney for Applicants

LYON & HARR, LLP
300 Esplanade Drive, Suite 800
Oxnard, CA 93036
(805) 278-8855